

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E.K. WADE,

Plaintiff,

v.

ELAINE CHAO,

Defendant.

No. C06-04725 MJJ

**ORDER DENYING MOTION TO
COMPEL**

Before the Court is Pro se Plaintiff's Motion to Compel. Plaintiff filed his Fourth Amended Complaint on August 24, 2007. The responsive pleading to the Fourth Amended Complaint is due on October 23, 2007. Plaintiff now seeks to compel Defendant to initiate timely discovery pursuant to Federal Rule of Civil Procedure 37(a)(1) and Civil Local Rule 37-2. Plaintiff's motion is premature and inappropriately seeks to compel Defendant to depose Plaintiff. The Court, therefore, **DENIES** the Motion and **VACATES** the October 16, 2007 hearing.

IT IS SO ORDERED.

Dated: September 18, 2007


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE